

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADRIENNE BENSON, *et al.*,

Plaintiffs,

v.

DOUBLE DOWN INTERACTIVE, LLC, *et al.*,

Defendants.

NO. C18-0525RSL

ORDER DENYING DEFENDANTS'
MOTION FOR
RECONSIDERATION

This matter comes before the Court on defendants' "Motion for Reconsideration of Order Denying Motion to Certify Questions to the Washington Supreme Court." Dkt. # 133.

Motions for reconsideration are disfavored in this district and will be granted only upon a "showing of manifest error in the prior ruling" or "new facts or legal authority which could not have been brought to [the Court's] attention earlier with reasonable diligence." LCR 7(h)(1). Defendants have not met their burden. Defendants largely reiterate arguments raised in the underlying motion to certify¹ and rely on "new" evidence that is not material to the statutory

¹ Defendants contend, without support, that Judge Leighton overlooked evidence in the record that arguably distinguishes its games from the games that were found to be "gambling" in *Kater v. Churchill Downs Inc.*, 886 F.3d 784 (9th Cir. 2018). The facts of this case have not yet been determined, however, and defendants' reliance on its own version of events was - not incorrectly - deemed a hypothetical. Dkt. # 127 at 6. If and when the facts of this case prove to be materially different than those

1 interpretation task at issue. Manifest error has not been shown, nor have new law or facts been
2 presented.

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4 For all of the foregoing reasons, defendants' motion for reconsideration is DENIED.
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7 Dated this 15th day of January, 2021.

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9 Robert S. Lasnik
10 United States District Judge
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26 considered in *Kater* and if the novelty is such that this Court cannot reliably interpret and apply the
27 relevant Washington statutes, it has the power to unilaterally certify questions that will, at that point, be
28 based on the actual facts as determined in this litigation.

ORDER DENYING PLAINTIFF'S
MOTION FOR RECONSIDERATION - 2